IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1265 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 15/07/2004 in WP NO : 12084 OF 2004 on the file of the High Court.)

Between:

N.Kishore Babu, s/o N.Sivarama Krishnaiah,
r/o D.No.66, Ward No.25, Siriguppa Road, Havambavi Bellary, Temporarily r/o at Plot No.47,
B.N.Reddy Colony, Road No.14, Banjara Hills, Hyderabad.

..... APPELLANT

AND

1 The Chief Engineer (R&B), National Highways, A.P.,
Hyderabad.
2 The Executive Engineer (R&B), N.H.Division No.I, Hyderabad,
1st Floor (R&B) Building Complex, Mahaveer Marg, A.C.Guards, Hyderabad.
3 The Inspector General of Registration and Stamps, A.P., Hyderabad.
4 The District Registrar, Medak District at Sangareddy.

.....RESPONDENT(S)

Counsel for the Appellant:MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent Nos.1 to 4: GP FOR ROADS & BUILDINGS

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

We have heard the counsel for the appellant who has tried to distinguish the judgment of a Division Bench of this Court in UPPALAPATI DURGA PRASAD vs. EXECUTIVE ENGINER (R&B), N.H. DIVISION, & OTHERS(), contending that licence to recover toll would not fall within the definition of lease as defined under Sub-section 16 of Section 2 of the Indian Stamp Act.

We have given our due consideration to the submissions of the appellant, but, are not in agreement with what is stated before us. Definition of lease in the Indian Stamp Act, 1899 (for short 'the Act') is clear and explicit. In addition to lease of immovable property, there are four other documents which are included in the terms of lease for the purpose of this Act and Sub-section (c) of Section 2(16) of the Act makes it clear that any document by which tolls of any description are let, the said document also be treated as lease for the purpose of this Act.

For that reason, we do not find any force in the appeal and the same is accordingly dismissed. No costs.

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DEVINDER GUPTA, CJ

Date: 30th August, 2004

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C.V.RAMULU,J

Pnb

To

1 The Chief Engineer (R&B), National Highways, A.P.,
Hyderabad.
2 The Executive Engineer (R&B), N.H.Division No.I, Hyderabad,
1st Floor (R&B) Building Complex, Mahaveer Marg, A.C.Guards,

Hyderabad.
3 The Inspector General of Registration and Stamps, A.P.,

Hyderabad.
4 The District Registrar, Medak District at Sangareddy.

5 Two C.Cs. to Government Pleader for R&B, High Court Buildings, Hyderabad (OUT).

6. Two C.D. copies